

IN RE: PETITION FOR SPECIAL HEARING  
NW/5 Chapman Road, 761' SW of  
Liberty Road  
(3426 Chapman Road)  
2nd Election District  
2nd Councilmanic District  
Michael L. Greenwalt, et ux  
Petitioners

\* BEFORE THE  
\* ZONING COMMISSIONER  
\* OF BALTIMORE COUNTY  
\* Case No. 89-386-SPH

**FINDINGS OF FACT AND CONCLUSIONS OF LAW**

The Petitioners herein request a special hearing to approve the nonconforming use of a contractors equipment storage yard with the operation of a business use in a residential zone as particularly described in Petitioner's Exhibit 1.

The Petitioners appeared and testified. Also appearing on behalf of the Petition were numerous residents of the area. Malcolm J. Bond, Esquire, appeared and testified as a Protestant.

Testimony indicated that the subject property, known as 3426 Chapman Road, consists of a double lot zoned D.R. 3.5, and is improved with a single family dwelling, two-car garage and swimming pool in the front, and two buildings to the rear which are used as office and storage space by Petitioner's blacktop paving business as set forth in Petitioner's Exhibit 1. This portion of the property, which is the subject of this petition, consists of an area approximately 165' x 100' and is enclosed with a 6' high wooden screen fence. Petitioners submitted photographs, identified herein as Petitioner's Exhibit 4, which clearly depict all the improvements on the subject property. Testimony indicated that the surrounding land is zoned D.R. 3.5 and that most of the lots are 75 to 85 feet wide and improved with single family dwelling units of a similar type and style as Petitioners' home. Mr. Greenwalt testified he and his

brother have operated separate paving businesses from the subject property since 1976. At the present time, the Petitioner has four, single-axle dump trucks, three tag-along trailers for hauling equipment; a paving machine; a roller; a tractor and miscellaneous small equipment used in conjunction with the operation of the business. His brother currently has two dump trucks, a paver, a roller, a tractor, and a tag-along trailer. Testimony indicated that the Petitioner's brother is in the process of relocating his business to another site and his equipment will subsequently be moved from the premises. In addition to the storage buildings in the rear portion of the property there are a 300 gallon gasoline storage tank, a 300 gallon fuel oil storage tank and a waste oil storage tank, none of which are shown on Petitioner's Exhibit 1.

Mr. Greenwalt testified that no mixing or preparation of the blacktop paving material is done on the subject property and that none of the materials used in the manufacturing or preparation of the blacktop paving are stored on site. He further testified that while there are often storage piles for excess blacktop from a particular job site and there is a gravel storage pile, he has never stored more than a ton of excess blacktop and the gravel storage pile is never in excess of 8 tons. Mr. Greenwalt testified that besides himself, he employs three other individuals in the business. The employees meet at the subject property each day before proceeding to their respective job sites and leave their personal vehicles parked on the rear portion of the property in the areas marked employee and guest parking on Petitioner's Exhibit 1.

Linwood H. Greenwalt, Petitioner's father, testified he operated a blacktop paving business from the subject property for many years. His testimony very clearly establishes that a blacktop paving business has

existed at this location since as early as 1942. Linwood Greenwalt testified he and his brother Charles started the business in 1942, and that during part of 1943 and continuing through 1945, he was called into the armed service. He stated that while his brother was not in the service, Charles was employed elsewhere and ran the paving business on a part-time basis during the war until he returned home from the service, at which time the business became a full-time operation. Linwood Greenwalt testified he retired in approximately 1976/1977 at which time his son, Michael, took over the operation. He testified the business always operated from the area shown in Petitioner's Exhibit 1, that the existing dwelling was the family's home where Michael was raised, and that it was a family run business. Mr. Greenwalt further testified that the business has always had three or four dump trucks, or flatbed trucks. He testified that he regularly had several tag-along trailers to haul equipment and that he always had blacktop pavers, rollers, and a miscellaneous tractor or two. He testified he stored the usual light construction equipment, such as wheelbarrows, rakes, curb pavers, etc., incidental to his business in the storage building. He testified that although the business was seasonal (he could not do blacktop paving when the ground was frozen), the business operated continuously and without interruption every year.

Carlton L. Arndt testified in support of Petitioners and indicated he was a life-long friend of Linwood Greenwalt. Mr. Arndt testified he knew the business had existed since during the Second World War. He stated he had regularly visited the property and was very familiar with Mr. Greenwalt's paving business. Mr. Arndt indicated he knew the business had been in continuous operation every year, including those years after

Linwood Greenwalt had retired and his son, Michael took over its operation.

Francis J. Stang also testified in support of the Petition and indicated he has lived in the area since the early 1940s. Mr. Stang testified the business has been in operation continuously since the early 1940s and indicated his concurrence with the testimony presented by Mr. Arndt and Linwood Greenwalt.

James Sanjoz testified he has lived across from the subject property for approximately 10 years. Mr. Sanjoz testified mainly to the current operation of the business by Petitioner and the fact that it is not a nuisance in the neighborhood. He indicated he has seen no escalation in the operation over the years as to the number or volume of vehicles or equipment involved in the business nor does he see any expansion of the business onto land not already committed to the operation.

Malcolm Bond testified as to his objection to the use of the subject property as a contractors equipment storage yard. Mr. Bond objected to the dump trucks and tag-alongs using Chapman Road and Offutt Road as access to Liberty Road. He stated he believes such commercial uses in the area create a safety and traffic hazard for the community. Mr. Bond also testified he did not want any blacktop paving material prepared on site and objects to the on-site storage tanks of gasoline, oil and waste oil.

Zoning came officially to Baltimore County on January 2, 1945, when, pursuant to previous authorization by the General Assembly, the County Commissioners adopted a comprehensive set of zoning regulations.

The Commissioners were first authorized to adopt comprehensive planning and zoning regulations in 1939 (Laws of Maryland, 1939, ch. 715). At the next biennial session of the General Assembly, this author-

ization was repealed, and a new authorization was enacted (Laws of Md., 1941, ch. 247). Before any such regulations were issued, the Legislature authorized the Commissioners to make special exceptions to the regulations (Laws of Md., 1943, ch. 877). The first regulations were adopted and took effect on January 2, 1945. See Kahl v. Cons. Gas Elec. Light. and Pwr. Co., 191 Md. 249, 254, 60 A.2d 754 (1948); Calhoun v. County Board of Appeals, 262 Md. 265, 277 A.2d 589 (1971).

Section II of those regulations created seven zones, four being residential, one commercial, and two industrial. See McKemy v. Baltimore County, Md., 39 Md. App. 257, 385 A.2d 96 (1978).

Those original regulations provided for nonconforming uses. The statute read as follows:

"A lawful nonconforming use existing on the effective date of the adoption of these regulations may continue, provided, however, upon any change from such nonconforming use to a conforming use, or any attempt to change from such nonconforming use to a different nonconforming use or any discontinuance of such nonconforming use for a period of one year or in case a nonconforming structure shall be damaged by fire or otherwise to the extent of seventy-five (75%) percent of its value, the right to continue to resume such nonconforming use shall terminate, provided, however, that any such lawful nonconforming use may be extended or enlarged to an extent not more than once again the area of the land used in the original nonconforming use." Section XI, 1945, B.C.Z.R.

Baltimore County adopted a new set of comprehensive zoning regulations on March 30, 1955. The issue of nonconforming uses are dealt with in Section 104 of those regulations. The Section then read:

"104.1 - A lawful nonconforming use existing on the effective date of the adoption of these regulations may continue; provided that upon any change from such nonconforming use to any other use whatsoever, or any abandonment or discontinuance of such nonconforming use for a period of one year or more, or in case any nonconforming business or manufacturing structure shall be damaged by fire or other casualty to the

extent of seventy-five (75%) percent of its replacement cost at the time of such loss, the right to continue or resume such nonconforming use shall terminate. No nonconforming building or structure and no nonconforming use of a building, structure, or parcel or land shall hereafter be extended more than 25% of the ground floor area of buildings so used."

Section 104.1 was changed to its current language on March 15, 1976 by Bill No. 18-76. The current effective regulation reads as follows:

"A nonconforming use (as defined in Section 101) may continue except as otherwise specifically provided in these Regulations; provided that upon any change from such nonconforming use to any other use whatsoever, or any abandonment or discontinuance of such nonconforming use for a period of one year or more, or in case any nonconforming business or manufacturing structure shall be damaged by fire or other casualty to the extent of seventy-five (75%) percent of its replacement cost at the time of such loss, the right to continue or resume such nonconforming use shall terminate. No nonconforming building or structure and no nonconforming use of a building, structure, or parcel of land shall hereafter be extended more than 25% of the ground floor area of buildings so used. (B.C.Z.R., 1955; Bill No. 18, 1976)"

On August 4, 1980, the current language found in Section 104.2 was added to the B.C.Z.R. by Bill No. 167-80. This regulation placed an exception upon the general nonconforming rule for Special Exception office buildings. The second reads as follows:

"Exception. Any contrary provision of these regulations notwithstanding, an office building that was authorized by grant of a special exception and that becomes damaged to any extent or destroyed by casualty may be fully restored in accordance with the terms of the special exception. (Bill No. 167, 1980)"

As with all non-conforming use cases, the first task is to determine what lawful non-conforming use existed on the subject property prior to January 2, 1945, the effective date of the adoption of the Zoning Regulations and the controlling date for the beginning of zoning.

It is clear from the testimony that the Petitioner's father, Linwood Greenwalt, and his uncle, Charles Greenwalt, operated a blacktop paving company from this location prior to 1945. They started the business in 1942 and continued to operate same on a regular basis until their retirement.

The second principle to be applied, as specified in Section 104.1, is whether or not there has been a change in the use of the subject property. A determination must be made as to whether or not the change is a different use, and therefore, breaks the continued nature of the nonconforming use. If the change in use is found to be different than the original use, the current use of the property shall not be considered nonconforming. See McKemy v. Baltimore County, Md., 39 Md. App. 257, 385 A.2d 96 (1978).

In the opinion of the Zoning Commissioner, there have not been any significant changes in the operation of the blacktop paving business. The combination residential and commercial uses have existed on the subject property since 1942. There has been no change in the type of business or uses on this site. While there has been some growth in the business, the second business, run by Petitioner's brother, is clearly an expansion of the existing use.

When the claimed non-conforming use has changed, or expanded, then the Zoning Commissioner must determine whether or not the current use represents a permissible intensification of the original use or an actual change from the prior legal use. In order to decide whether or not the current activity is within the scope of the non-conforming use, the Zoning Commissioner should consider the following factors:

"(a) To what extent does the current use of these lots reflect the nature and purpose of the original non-conforming use;

(b) Is the current use merely a different manner of utilizing the original non-conforming use or does it constitute a use different in character, nature, and kind;

(c) Does the current use have a substantially different effect upon the neighborhood;

(d) Is the current use a "drastic enlargement or extension" of the original non-conforming use." McKemy v. Baltimore County, Md., Supra.

The Petitioner's brother is in the process of relocating his business to another site. In the opinion of the Zoning Commissioner, the removal of his business from the subject property will resolve the issue of expansion. Further, the growth in Petitioner's business over that of his father's business is not a drastic enlargement of the original nonconforming use. The size, scope and manner of the operation is essentially the same as it has always been.

After due consideration of the testimony and evidence presented, it is clear a nonconforming use of the subject property as a contractors equipment storage yard with the operation of a blacktop paving business in a residential zone exists. In the opinion of the Zoning Commissioner, the evidence presented supports Petitioners' contention that the use has been continuous and without interruption since at least 1942. While there are more vehicles and equipment committed to the operation of the business at the present time, I do not find such growth to be an expansion of the business. Therefore, the nonconforming use of Petitioner's business may continue.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the relief requested in the Petition for Special Hearing should be granted.



THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 31<sup>st</sup> day of March, 1989 that the Petition for Special Hearing to approve the nonconforming use of a contractors equipment storage yard with the operation of one blacktop paving business in a residential zone, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject, however, to the following restrictions which are conditions precedent to the relief granted:

- 1) The nonconforming use granted herein is limited to the operation by Petitioner of one blacktop paving business known as the W. L. Greenwalt Paving Contracting Company. In the event the subject property is transferred or leased, the new property owner/lessee must file a new Petition for Special Hearing if he desires to continue the nonconforming use.
- 2) Within sixty (60) days of the date of this Order Petitioners shall submit a revised site plan which clearly depicts the locations of all improvements on the subject property, including the underground storage tanks for gasoil, oil and waste oil, and the storage piles of gravel and blacktop paving.
- 3) Petitioners shall maintain the 6-foot high wooden privacy fences shown on Petitioner's Exhibit 1 in a good state of repair.
- 4) Excluding the miscellaneous small equipment stored on site, Petitioners' heavy equipment shall be limited to four (4) single-axle dump trucks, three (3) tag-alongs, three (3) tractors and three (3) pavers and/or rollers.
- 5) The second business owned by Petitioner's brother shall cease operation from the subject property by no later than July 1, 1989. All equipment, including miscellaneous small equipment, used in the operation of the brother's business shall be removed from the premises on or before July 1, 1989.
- 6) Upon request and reasonable notice, Petitioners shall permit a representative of the Zoning Enforcement Division to make an inspection of the subject property to insure compliance with this Order.

*J. Robert Haines*  
J. ROBERT HAINES  
Zoning Commissioner  
for Baltimore County

JRH:bjs

**CERTIFICATE OF POSTING**  
ZONING DEPARTMENT OF BALTIMORE COUNTY  
Towson, Maryland

District 2nd Date of Posting 2-27-89  
Special Hearing  
Petitioner: Michael Linwood Greenwalt et ux  
Location of property: N.W.S. of Chapman Road, 761' SW of Liberty Road (3426 Chapman Road)  
Location of Sign: on front of 3426 Chapman Road  
Remarks: Ad. 2nd  
Posted by: J. Robert Haines Date of return: 2-3-89  
Number of Signs: 1

**CERTIFICATE OF PUBLICATION**

TOWSON, MD. March 7, 1989

THIS IS TO CERTIFY, that the annexed advertisement was published in the OWINGS MILLS TIMES, a weekly newspaper printed and published in Towson, Baltimore County, Md., appearing on March 2, 1989.

OWINGS MILLS TIMES,

*S. Zake Orlean*  
S. Zake Orlean  
Publisher

PO 10435  
reg. M 27059  
price \$74.86

Baltimore County  
Zoning Commissioner  
Office of Planning & Zoning  
Towson, Maryland 21204  
(301) 867-3553

J. Robert Haines  
Zoning Commissioner

March 31, 1989

Mr. & Mrs. Michael L. Greenwalt  
3426 Chapman Road  
Randallstown, Maryland 21133

RE: PETITION FOR SPECIAL HEARING  
NW/S Chapman Road, 761' SW of Liberty Road  
(3426 Chapman Road)  
2nd Election District - 2nd Councilmanic District  
Michael L. Greenwalt, et ux - Petitioners  
Case No. 89-386-SPH

Dear Mr. & Mrs. Greenwalt:

I, closed, please find a copy of the decision rendered in the above-captioned matter. The Petition for Special Hearing has been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact Ms. Charlotte Radcliffe at 494-3391.

Very truly yours,

*J. Robert Haines*  
J. ROBERT HAINES  
Zoning Commissioner  
for Baltimore County

JRH:bjs

cc: Malcolm J. Bond, Esquire  
400 W. Pennsylvania Avenue, Towson, Md. 21204

Mr. Linwood H. Greenwalt  
98015 Ocean Drive, Jensen, Fla. 34957

People's Counsel

File

**CERTIFICATE OF PUBLICATION**

TOWSON, MD. March 7, 1989

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper printed and published in Towson, Baltimore County, Md., appearing on March 2, 1989.

THE JEFFERSONIAN,

*S. Zake Orlean*  
S. Zake Orlean  
Publisher

PO 10435  
reg. M 27059  
price \$74.86

89-386-SPH

BALTIMORE COUNTY OFFICE OF PLANNING & ZONING

County Office Building  
111 W. Chesapeake Avenue  
Towson, Maryland 21204

Your petition has been received and accepted for filing this 11th day of January, 1989.

*J. Robert Haines*  
J. ROBERT HAINES  
Zoning Commissioner

Petitioner: Michael Linwood Greenwalt et ux Received by: J. Robert Haines Chairman, Zoning Plans  
Petitioner's Attorney: et ux Advisory Committee

**PETITION FOR SPECIAL HEARING**  
TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Hearing under Section 500.7 of the Baltimore County Zoning Regulations, to determine whether or not the Zoning Commissioner and/or Deputy Zoning Commissioner should approve the nonconforming use of a contractors equipment storage yard with the operation of a business use in a residential zone.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of the above Special Hearing advertising, posting, etc., upon filing of this Petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser:

(Type or Print Name)

Signature

Address

City and State

Attorney for Petitioner:

(Type or Print Name)

Signature

Address

City and State

Attorney's Telephone No.:

Legal Owner(s):

(Type or Print Name)

Signature

(Type or Print Name)

Signature

Address

City and State

Name, address and phone number of legal owner, contract purchaser or representative to be contacted

City and State

Name

Address

Phone No.

ORDERED By The Zoning Commissioner of Baltimore County, this 23<sup>rd</sup> day of January, 1989, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be had before the Zoning Commissioner of Baltimore County in Room 108, County Office Building, in Towson, Baltimore County, on the 21<sup>st</sup> day of March, 1989, at 2 o'clock P.M.

*J. Robert Haines*  
J. ROBERT HAINES  
Zoning Commissioner of Baltimore County.

EX-101

(over)

BALTIMORE COUNTY, MARYLAND  
OFFICE OF FINANCE - REVENUE DIVISION  
MISCELLANEOUS CASH RECEIPT

DATE: 2-28-89 ACCOUNT: RCI-CIS-000

AMOUNT: \$ 97.86

RECEIVED FROM: M.L. Greenwalt

FOR: Posting & Advertising (89-386-SPH)

VALIDATION OR SIGNATURE OF CASHIER

BALTIMORE COUNTY, MARYLAND  
OFFICE OF FINANCE - REVENUE DIVISION  
MISCELLANEOUS CASH RECEIPT

DATE: 1/11/89 ACCOUNT: RCI-CIS-000

AMOUNT: \$ 104.35

RECEIVED FROM: M.L. Greenwalt et ux

FOR: Posting & Advertising (89-386-SPH)

VALIDATION OR SIGNATURE OF CASHIER

William E. Doyle  
Professional Land Surveyor 8440  
5312 Emerald Drive  
Sykesville, Md. 21784  
(301) 795-2210

December 26, 1989

Description of Michael L. Greenwalt and Nancy J. Greenwalt his wife, property for special exception for parking vehicles on property known as 3426 Chapman Road, in the 2nd Election District of Baltimore County, Maryland.

Beginning for the same at a point on the northwest side of Chapman Road, 761 ft. southwest of Liberty Road (Route 26), (1) S 36°20'00"W 165.00 ft. (2) N 53°30'00"W 300.00 ft. (3) N 34°30'00"E 165.00 ft. (4) S 53°30'00"E 300.00 ft. to the place of beginning. Containing 49500 SQ. FT. or 1.137 acres of land more or less.



Description By:  
*William E. Doyle*  
William E. Doyle  
Professional Land Surveyor 8440

Baltimore County  
Zoning Commissioner  
Office of Planning & Zoning  
Towson, Maryland 21204  
494-3353

J. Robert Haines  
Zoning Commissioner

Date: 3-8-89

Mr. & Mrs. Michael Linwood Greenwalt  
3426 Chapman Road  
Randallstown, Maryland 21133

Re: Petition for Special Hearing  
CASE NUMBER: 89-386-SPH  
N/S Chapman Road, 761' SW Liberty Road  
3426 Chapman Road  
2nd Election District - 2nd Councilmanic  
Petitioner(s): Michael Linwood Greenwalt, et ux  
HEARING SCHEDULED: TUESDAY, MARCH 21, 1989 at 2:00 p.m.

Dear Mr. & Mrs. Greenwalt:

Please be advised that \$986 is due for advertising and posting of the above-referenced property. All fees must be paid prior to the hearing. Do not remove the sign and post set(s) from the property from the time it is posted by this office until the day of the hearing itself.

THIS FEE MUST BE PAID AND THE ZONING SIGN(S) AND POST(S) RETURNED ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT BE ISSUED.

Please make your check payable to Baltimore County, Maryland and bring it along with the sign(s) and post(s) to the Zoning Office, County Office Building, Room 111, Towson, Maryland 21204 fifteen (15) minutes before your hearing is scheduled to begin.

Please note that should you fail to return the sign and post set(s), there will be an additional \$25.00 added to the above fee for each set not returned.

Very truly yours,

*J. Robert Haines*  
J. ROBERT HAINES  
Zoning Commissioner of  
Baltimore County

JRH:gs  
cc: File



Baltimore County  
Zoning Commissioner  
Office of Planning & Zoning  
Towson, Maryland 21204  
494-3333

J. Robert Haines  
Zoning Commissioner

February 22, 1989

# NOTICE OF HEARING



Dennis F. Rasmussen  
County Executive

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland as follows:

Petition for Special Hearing  
CASE NUMBER: 89-386-SPH  
N/S Chapman Road, 761' SW Liberty Road  
3426 Chapman Road  
2nd Election District - 2nd Councilmanic  
Petitioner(s): Michael Linwood Greenwalt, et ux  
HEARING SCHEDULED: TUESDAY, MARCH 21, 1989 at 2:00 p.m.

Special Hearings: The nonconforming use of a contractors equipment storage yard with the operation of a business use in a residential zone.

In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be in writing and received in this office by the date of the hearing set above or presented at the hearing.

*J. Robert Haines*

J. ROBERT HAINES  
Zoning Commissioner of  
Baltimore County

cc: Michael Linwood Greenwalt, et ux  
Malcolm L. Bond, P.A.  
File

## BALTIMORE COUNTY, MARYLAND

### INTER-OFFICE CORRESPONDENCE

TO: James Dyer  
Zoning Supervisor  
Date: 1/23/89  
FROM: James Thompson  
Zoning Enforcement Coordinator  
Item No.: 286 (if known)  
SUBJECT: Petitioner: (if known)

VIOLATION CASE # 89-567

LOCATION OF VIOLATION 3426 Chapman  
DEFENDANT Greenwalt ADDRESS SAME

Please be advised that the aforementioned petition is the subject of an active violation case. When the petition is scheduled for a public hearing, please notify the following persons:

NAME ADDRESS  
*Malcolm G. Bond, P.A.* 400 W. Penn Ave 21204

After the public hearing is held, please send a copy of the Zoning Commissioner's Order to the Zoning Enforcement Coordinator, so that the appropriate action may be taken relative to the violation case.

## BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

March 6, 1989

COUNTY OFFICE BLDG.  
111 W. Chesapeake Ave.  
Towson, Maryland 21204

060

### MEMBERS

Bureau of  
Engineering  
Department of  
Traffic Engineering  
State Roads Commission  
Bureau of  
Fire Prevention  
Health Department  
Project Planning  
Building Department  
Board of Education  
Zoning Administration  
Industrial  
Development

Mr. Michael Linwood Greenwalt  
3426 Chapman Road  
Randallstown, MD 21133

RE: Item No. 286, Case No. 89-386-SPH  
Petitioner: Michael Linwood Greenwalt, et ux  
Petition for Special Hearing

Dear Mr. Greenwalt:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

IT WOULD BE APPRECIATED IF YOU WOULD RETURN YOUR WRITTEN COMMENTS TO MY OFFICE, ATTENTION JULIE WINIARSKI. IF YOU HAVE ANY QUESTIONS REGARDING THIS, PLEASE CONTACT HER AT 887-3391.

Very truly yours,

*James E. Dyer*  
JAMES E. DYER  
Chairman  
Zoning Plans Advisory Committee

JED:jw

Enclosures

Baltimore County  
Department of Public Works  
Bureau of Traffic Engineering  
County Office Building  
Towson, Maryland 21204  
494-3334

March 1, 1989



Dennis F. Rasmussen  
County Executive

Mr. J. Robert Haines  
Zoning Commissioner  
County Office Building  
Towson, MD 21204

Dear Mr. Haines,

The Bureau of Traffic Engineering has no comments for items number 264, 277, 278, 280, 281, 282, 283, 284, 286, 287, 288, 292, 293, 294, 295 & 296.

Very truly yours,

*Michael S. Flanigan*  
Michael S. Flanigan  
Traffic Engineer Assoc. II

MSF/lab

RECEIVED  
MAR 5 1989

ZONING OFFICE

Baltimore County  
Fire Department  
Towson, Maryland 21204-2586  
494-4500

Paul H. Reincke  
Chief

February 7, 1989

J. Robert Haines, Zoning Commissioner  
Office of Planning & Zoning  
Baltimore County Office Building  
Towson, Maryland 21204

Re: Property Owner: Michael Linwood Greenwalt  
Location: N/W side Chapman Road, 761' SW of Liberty Road

Dennis F. Rasmussen  
County Executive

Item No.: 286 Zoning Agenda: Meeting of January 24, 1989  
Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below marked with an "X" are applicable and required to be corrected or incorporated into the final plans for the property.

- ( ) 1. Fire hydrants for the referenced property are required and shall be located at intervals or fast along an approved road in accordance with Baltimore County Standards as published by the Department of Public Works.
- ( ) 2. A second means of vehicle access is required for the site.
- ( ) 3. The vehicle dead end condition shown at EXCEEDS the maximum allowed by the Fire Department.
- ( ) 4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operation.
- (X) 5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code," 1976 edition prior to occupancy.
- ( ) 6. Site plans are approved, as drawn.
- ( ) 7. The Fire Prevention Bureau has no comments at this time.

REVIEWER: *Paul H. Reincke*  
Paul H. Reincke  
Special Inspection Division

NOTED & APPROVED: *John F. O'Neill*  
John F. O'Neill  
Fire Prevention Bureau

/s/

Baltimore County  
Department of Permits & Licenses  
111 West Chesapeake Avenue  
Towson, Maryland 21204  
(301) 887-3610

Ted Zaleski, Jr.  
Director

FEBRUARY 7, 1990

J. Robert Haines  
Zoning Commissioner  
Office of Planning and Zoning  
Baltimore County Office Building  
Towson, MD 21204

Dennis F. Rasmussen  
County Executive

RE: Property Owner: MICHAEL L. GREENWALT, ET UX  
Location: NW/S OF CHAPMAN ROAD  
Item No.: 236 Zoning Agenda: FEBRUARY 13, 1990

Gentlemen:  
Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code", 1988 edition prior to occupancy.

REVIEWER: *Paul H. Reincke* Noted and Approved: *Captain W. J. Bond*  
Paul H. Reincke  
Special Inspection Division Fire Prevention Bureau

JK/KEK

FEB 12 1990

## BALTIMORE COUNTY, MARYLAND

### INTER-OFFICE CORRESPONDENCE

TO: J. Robert Haines  
Zoning Commissioner  
DATE: March 1, 1990  
FROM: Pat Keller, Deputy Director  
Office of Planning and Zoning  
SUBJECT: Michael L. Greenwalt, Item 236

The Petitioner requests a Special Hearing to amend the site plan submitted in Case No. 89-386.

In reference to the Petitioner's request, staff offers the following comments:

- Previously, the Petitioner filed a petition for Special Hearing to establish a nonconforming use of a contractors equipment storage yard and the operation of a business use in a residential zone. The Petitioner's request was granted on March 31, 1989, with restrictions. (Case No. 89-386-SPH)
- Planning staff provided comments regarding the previous case on March 20, 1989. (See attached)

Should the Petitioner's current request be granted, staff offers the following conditions:

- The rear portion of Lot 2 should be cleared of all macadam paving prior to the issuance of any building permits.
- A screening buffer between Lots 1 and 2 should be reviewed and approved by the County landscape planner.

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3211.

PK/JL/cmm

MAR 5 1990

## BALTIMORE COUNTY, MARYLAND

### INTER-OFFICE CORRESPONDENCE

J. Robert Haines  
TO: Zoning Commissioner  
Date: March 20, 1989  
FROM: Pat Keller, Deputy Director  
Office of Planning and Zoning  
SUBJECT: Michael Greenwalt  
Zoning Petition No. 89-386-SPH

The petitioner is requesting the establishment of a non-conforming use of a contractors' equipment storage use in a residential zone. In reference to this request, staff provides the following information:

- Staff was unable to complete an on-site visit to the petitioner's property due to restricted access. Planning issues regarding these types of non-conforming uses include the following:
  - destabilization of residential community - It appears as if the applicant's turn around extends onto Carriage Hill Village (Liberty Road Associates property).
  - buffer problems - adequate landscaping and buffering should be provided between adjoining properties.
  - noise, visual obstruction, interior maintenance, odors, etc. - The proposed use should be carefully regulated.

If this petitioner's request is granted, staff recommends the following conditions be applied:

- The petitioner shall restrict all use to the confines of the property.
- A screening buffer consisting of fencing and landscaping shall be reviewed and approved by the County Landscape Planner.
- The special exception shall only apply to the petitioner and this particular use shall not be transferable to any other owners.
- The hours of operation shall be limited to 7:00 a.m. and 10:00 p.m. which are compatible with residential uses.
- The petitioner shall be limited to uses and areas as shown on the site plan. Any substantial deviation from the plan shall necessitate in the need for an additional hearing.
- Any lighting provided on site for the non-conforming use shall not exceed .2 candles at the property line and be directed away from adjoining properties.

PK/sf

CPS-008



Baltimore County  
Zoning Commissioner  
Office of Planning & Zoning  
Towson, Maryland 21204  
(301) 887-3353  
J. Robert Haines  
Zoning Commissioner

October 27, 1989

Mr. & Mrs. Michael Greenwalt  
3426 Chapman Road  
Randallstown, Md. 21133



RE: Resubdivision of 3 Existing Lots (into 2 lots)  
3426-28 Chapman Road - 2nd Election District

Dear Mr. & Mrs. Greenwalt:

Your letter to the Zoning Commissioner, undated, has been referred to me for reply. I have reviewed this matter with J. Robert Haines, Zoning Commissioner and Carl Richards, Zoning Coordinator. My findings are that the following items are required and must be addressed:

- 1) On the plat, highlight color the outline of the proposed commercial use;
- 2) show the route of commercial traffic from the street to the storage (parking) area; and
- 3) how will the business permitted by the Order in Zoning Case No. 89-386-SPH continue on this reduced parcel of land.

It is up to you to demonstrate that the impact on the community will not change. The aforementioned items must be resolved. You may call this office at 887-3391 to make an appointment to review your proposal and the revised plat (enclosed.)

Very truly yours,

*James E. Dyer*  
JAMES E. DYER  
Zoning Supervisor

BY: John J. Sullivan  
Planning & Zoning Associate III

JJS:jat  
cc: File

Baltimore County  
Zoning Commissioner  
Office of Planning & Zoning  
Towson, Maryland 21204  
(301) 887-3353  
J. Robert Haines  
Zoning Commissioner

June 26, 1989

Mr. G.H. Greenwalt, President  
c/o G.H. Greenwalt, Inc.  
3428 Chapman Road  
Randallstown, Maryland 21133

RE: Petition for Special Hearing  
Michael L. Greenwalt, et ux  
Petitioners  
Case 89-386-SPH

Dear Mr. Greenwalt:

I am in receipt of a copy of your letter dated June 20, 1989 regarding the above captioned case. You have asked for an extension of time to move your contracting business from 3428 Chapman Road to your new location in Sykesville, Maryland.

Please be advised that I will allow you an extension of time for moving your equipment, etc., until September 30, 1989.

Very truly yours,  
*J. Robert Haines*  
J. Robert Haines  
Zoning Commissioner

JRH:mmm  
cc: Mr. and Mrs. Michael L. Greenwalt, 3426 Chapman Rd.,  
Randallstown, Md. 21133

G.H. GREENWALT INC:  
3428 CHAPMAN ROAD  
RANDALLSTOWN, MD. 21133  
CASE# 89386SPH

DEAR MR. HANES,

I NEED AN EXTENSION OF MY STAY AT 3428 CHAPMAN RD. (FROM JULY 1 TO AUGUST 1, 30 DAYS.) I WAS TO MOVE OUT BY JULY 1ST. BY YOUR DECISION ON MARCH 21, 1989. MY NEW BUILDING AND SITE AT 257 ADAM SMITH ST., SYKESVILLE, MD. 21074 HAS NOT YET BEEN COMPLETED AS PLANNED. THE WEATHER AND PERMITS HAVE BEEN DELAYING MY COMPANY AND THE NEW BUILDING SITE FROM COMPLETION. THE BUILDING IS NOW UNDER CONSTRUCTION AND THE BUILDING AND GRADING ARE PROGRESSING AS THE WEATHER PERMITS. I FEEL THAT THE 30 DAY EXTENSION WILL GET ME TO COMPLETION. I HAVE DONE EVERYTHING IN MY POWER TO MOVE EVERYTHING ALONG RAPIDLY. I WOULD LIKE A DECISION ON THIS MATTER IN WRITING. I WOULD LIKE TO FORWARD A COPY TO MY BROTHER, M.L. GREENWALT OF YOUR DECISION. I DON'T WANT TO INTERFERE WITH MY BROTHER'S NONCONFORMING USE OF THE YARD FROM YOUR DECISION ON MARCH 21, 1989. MY WORK # IF 22-4584, HOME 437-8345 IF THERE IS ANY QUESTIONS REGARDING THIS MATTER PLEASE CONTACT ME AT EITHER NUMBER.

Sincerely,  
*G.H. Greenwalt*  
G.H. GREENWALT INC.  
PRESIDENT

FROM THE DESK OF J. ROBERT HAINES

TO: Ann Nastarowicz  
James E. Dyer  
W. Carl Richards  
James H. Thompson

See me immediately  
Discuss with me  
Prepare draft response  
Please follow up  
Collect \$20.00 fee  
Please handle  
Please attend meeting  
Prepare written report  
Please file  
Set up conference  
Other

*Do a letter giving  
extension until 9-30-89*

RECEIVED  
JUN 27 1989  
ZONING OFFICE

G. H. GREENWALT, INC.  
3428 Chapman Rd.  
RANDALLSTOWN, MARYLAND 21133

IN RE: PETITION FOR SPECIAL HEARING  
NW/3 Chapman Road, 761' SW  
of Liberty Road  
(3426 Chapman Road)  
2nd Election District  
2nd Councilmanic District  
Michael L. Greenwalt, et ux  
Petitioners

BEFORE THE  
DEPUTY ZONING COMMISSIONER  
OF BALTIMORE COUNTY  
Case No. 90-378-SPH

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioners herein request a special hearing to approve an amendment to the previously approved site plan in Case No. 89-386-SPH to reduce the area of the nonconforming use of the subject property for a contractors equipment storage yard and business operation, in accordance with Petitioner's Exhibit 1.

The Petitioners appeared and testified. There were no Protestants. Testimony indicated that the subject property, known as 3426 Chapman Road, consists of a double lot containing approximately 1.042 acres zoned D.R. 3.5. Said property was the subject matter of previous Case No. 89-386-SPH in which Petitioners were granted approval of a nonconforming use of all of Lot 1 and the rear portion of Lot 2 as a contractors equipment storage yard, subject to restrictions. Petitioners are desirous of reducing the size of the nonconforming use previously granted to limit such use to Lot 1, and developing Lot 2 with a single family dwelling and using same for residential purposes only. Testimony indicated Petitioners have removed the buildings which previously existed to the rear of Lot 2, including the storage and office buildings associated with the paving contractors business and the dog pen area. Petitioners testified they intend to plant grass in the rear portion of Lot 2 where the buildings and dog pen area once stood. Testimony indicated the relief requested will

PLEASE PRINT CLEARLY

PROTESTANT(S) SIGN-IN SHEET

NAME

ADDRESS

MALCOLM JOSEPH BOND 400 W. PENNSYLVANIA AVENUE  
TOWSON, MARYLAND 21204

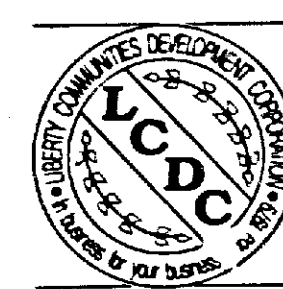
PLEASE PRINT CLEARLY

PETITIONER(S) SIGN-IN SHEET

NAME

ADDRESS

*Information purposes*  
*409 Washington Ave*  
*21204*  
*RD. RM 247 ROST. RD. 21136*  
*"RANDALLSTOWN NEWS" (PLEASE SEND FUTURE)*  
*3425 Chapman Rd. Randallstown, MD 21133*  
*3426 Chapman Rd. Randallstown, MD 21133*  
*3427 Chapman Rd. Randallstown, MD 21133*  
*3428 Chapman Rd. Randallstown, MD 21133*  
*1213 Glenbrook Ave 21088*  
*4627 Deer Park Rd 21117*  
*3527 Chapman Rd 21133*  
*3425 CHAPMAN RD 21133*  
*3417 CHAPMAN RD 21133*  
*9801 S OCEAN DR. JENSON DE. 71A 34957*  
*2138 Lake W. Road Rd 21122*  
*3000 Mayfield Ave. Rd. MD 21027*  
*3424 Chapman Rd. Randallstown, MD 21133*  
*3424 Chapman Rd. Randallstown, MD 21133*



LIBERTY COMMUNITIES DEVELOPMENT CORPORATION, INC.

3820 Fernside Road • Randallstown, MD 21133 • (301) 655-7766

March 21, 1989

Mr. J. Robert Haines  
Baltimore County  
Zoning Commissioner  
111 W. Chesapeake Ave.  
Towson, MD 21204

Re: 89-386-SPH

Dear Commissioner Haines:

At their meeting last night the LCDC Board of Directors voted unanimously to support Mr. Michael Greenwalt's petition for a non conforming use at 3426 Chapman Road.

The Board felt strongly that Mr. Greenwalt's business had served the community for a number of decades and has always been thought of as a good neighbor. We believe that its continued operation would be in the best interest of the Liberty Road Revitalization Area.

Sincerely,

*Jim Janas*  
Jim Janas  
Director, LCDC

PETITIONER'S  
EXHIBIT 2

Statement

The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of Baltimore County, that the matters and facts hereinbelow set forth are true and correct to the best of my knowledge and belief.

Based upon your personal knowledge, please answer the following questions by filling in the correct blanks.

1. I verify by this statement that the address located at 3426 Chapman Road, Randallstown, has been used as a contractors equipment storage yard and the operation of a business use since my residency on Chapman Road.  
Yes No
2. I also verify that said address has been occupied every year since my residency.  
Yes No
3. Is the Greenwalt's storage yard an eyesore or do they create any unnecessary noise.  
Yes No
4. Do you object to the commercialism of Greenwalt's storage yard in the event that a ruling may be in favor of; and allow Greenwalt's storage yard to continue to operate from said address.  
Yes No
5. Do you believe that the roads in the area are capable of and appropriate for the use of Greenwalt's trucks and trailers.  
Yes No
6. Do you realize any gain or benefit if a ruling is in Greenwalt's favor to continue the use of a contractor's storage yard and business at the present address.  
Yes No

Respectively;

please print  
Name: JOHN E. PREIFFER JR.  
MERLE A. PREIFFER  
Address: 3421 CHAPMAN RD  
RANDALLSTOWN, MD 21133  
Years lived on Chapman Rd. 31 yrs.

PETITIONER'S  
EXHIBIT 3A

Statement

The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of Baltimore County, that the matters and facts hereinbelow set forth are true and correct to the best of my knowledge and belief.

Based upon your personal knowledge, please answer the following questions by filling in the correct blanks.

1. I verify by this statement that the address located at 3426 Chapman Road, Randallstown, has been used as a contractors equipment storage yard and the operation of a business use since my residency on Chapman Road.  
Yes No
2. I also verify that said address has been occupied every year since my residency.  
Yes No
3. Is the Greenwalt's storage yard an eyesore or do they create any unnecessary noise.  
Yes No
4. Do you object to the commercialism of Greenwalt's storage yard in the event that a ruling may be in favor of; and allow Greenwalt's storage yard to continue to operate from said address.  
Yes No
5. Do you believe that the roads in the area are capable of and appropriate for the use of Greenwalt's trucks and trailers.  
Yes No
6. Do you realize any gain or benefit if a ruling is in Greenwalt's favor to continue the use of a contractor's storage yard and business at the present address.  
Yes No

Respectively;

please print  
Name: Francis L. Hudson  
Address: 3424 Chapman Rd.  
Randallstown, MD 21133  
Years lived on Chapman Rd. 32 yrs.

PETITIONER'S  
EXHIBIT 3B







**PETITIONER'S  
EXHIBIT 3R**



The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of Baltimore County, that the matters and facts hereinbelow set forth are true and correct to the best of my knowledge and belief.

Based upon your personal knowledge, please answer the following questions by filling in the correct blanks.

1. I verify by this statement that the address located at 3426 Chapman Road, Randallstown, has been used as a contractors equipment storage yard and the operation of a business use since 1942.  
~~my residency on Chapman Road.~~  
X-Yes ---No
2. I also verify that said address has been occupied every year since ~~my residency.~~ 1942.  
X-Yes ---No
3. Is the Greenwalt's storage yard an eyesore or do they create any unnecessary noise.  
---Yes X-No
4. Do you object to the commercialism of Greenwalt's storage yard in the event that a ruling ~~may~~ be in favor of; and allow Greenwalt's storage yard to continue to operate from said address.  
---Yes X-No
5. Do you believe that the roads in the area are capable of and appropriate for the use of Greenwalt's trucks and trailers.  
X-Yes ---No
6. Do you realize any gain or benefit if a ruling is in Greenwalt's favor to continue the use of a contractor's storage yard and business at the present address.  
---Yes X-No

respectively;

Jessie M. Lullum

please print

Name Jessie M. Cullum

Address 3311 Chapman Road

RANDALLS TOWN, MICHIGAN 49133

Years lived on Chapman Rd. - 51-yrs.

**PETITIONER'S  
EXHIBIT 35**

